

Exhibit A

Michael Thomas Margolis, M.D.

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IN THE DISTRICT COURT
95TH JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

CAROL CAVNESS,)

Plaintiff,)

vs.)

Cause No. DC-14-04220

TERESA KOWALCZYK, M.D.)

HUNT MEMORIAL HOSPITAL)

DISTRICT CHARITABLE)

HEALTH FOUNDATION d/b/a)

HUNT REGIONAL HEALTHCARE)

FOUNDATION and HUNT)

REGIONAL MEDICAL CENTER)

AT GREENVILLE, BAYLOR)

HEALTHCARE SYSTEM,)

JOHNSON & JOHNSON AND)

ETHICON, INC.,)

Defendants.)

EXPERT WITNESS TESTIMONY OF
MICHAEL THOMAS MARGOLIS, M.D.

Held at the Law Offices of
Skikos, Crawford & Skikos
One Sansome, San Francisco, California
Sunday, July 19, 2015, 9:09 a.m.

REPORTED BY: ELAINA BULDA-JONES, CSR #11720

Michael Thomas Margolis, M.D.

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1 thickness of it?
 2 A. Right, the caliber.
 3 Q. "Caliber" is the medical term for those
 4 characteristics?
 5 A. Yes, exactly. It's unopened.
 6 Q. Okay.
 7 A. There are needles on it, so please don't
 8 open it.
 9 (Whereupon, Exhibit 11 was marked for
 10 identification.)
 11 BY MS. DOWNS:
 12 Q. Doctor, I'm going to mark Exhibit 11,
 13 which is the reliance list, an updated one that was
 14 provided for us in advance of this deposition.
 15 Is that the material that is on the link
 16 that your counsel has referred to?
 17 A. I believe that is correct.
 18 Q. There were, I will estimate, an additional
 19 400 documents that were added since the last time we
 20 saw one of your reliance lists.
 21 Who gathered those materials?
 22 A. I -- it was a combination of both the
 23 plaintiff's counsel and myself.
 24 Q. And what materials specifically did you
 25 identify and add to the list other than what we have

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1 THE WITNESS: I asked continuously to be
 2 updated with any valid -- any information,
 3 scientific or internal documents that is germane to
 4 this case.
 5 BY MS. DOWNS:
 6 Q. My question, Doctor, was: With respect to
 7 the company documents that have been added to your
 8 reliance list that relate to Prosima, when you
 9 looked at any of those, did you ask plaintiff's
 10 counsel for any additional documents that would
 11 provide context or anything before or after the
 12 documents you looked at?
 13 MR. FREESE: Object to form of the
 14 question. Assumes he needed more context.
 15 THE WITNESS: I asked for a complete list
 16 of all documents, both pro and con, so that I could
 17 give a balanced, objective, medical opinion in trial
 18 on this topic.
 19 So it's understood by counsel that I want
 20 everything they have on this, good, bad,
 21 indifferent.
 22 And just so they understand and it is on
 23 the record in this very deposition, I continue to
 24 ask for all records, both good, bad, and
 25 indifferent, so that I can provide a balanced,

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1 already marked as exhibits today?
 2 MR. FREESE: Object to form of the
 3 question. There are 400 different entries.
 4 THE WITNESS: I couldn't possibly answer
 5 that question for you accurately.
 6 BY MS. DOWNS:
 7 Q. Why did you -- why did you identify and
 8 add any materials relating to Prosima and Carol
 9 Cavness coming into this deposition?
 10 A. Because I want to be able to be as
 11 conversant and knowledgeable about the defective
 12 device called Prosima as I can before I go into
 13 court.
 14 Q. If you added -- if there were company
 15 documents added, Doctor, as part of those additions,
 16 who collected those?
 17 A. Obviously it was plaintiff's counsel.
 18 Q. So they provided that set to you?
 19 A. They did.
 20 Q. And did you ask them to go back and give
 21 any documents that came before or ahead of the
 22 e-mails anything for additional context after they
 23 provided that set?
 24 MR. FREESE: Object to the form of the
 25 question.

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1 objective medical opinion.
 2 BY MS. DOWNS:
 3 Q. And based on that request, Dr. Margolis,
 4 the reliance list that you have in front of you
 5 today as Defendants' Exhibit 11, that would include
 6 the documents that plaintiff's counsel selected in
 7 response to your request with respect to company
 8 documents, correct?
 9 A. That would include, yes.
 10 Q. And so if there are documents, e-mails,
 11 and information relating to Prosima that are
 12 favorable that are not on those -- that list, it's
 13 safe to assume that as of today you have not seen
 14 them, correct?
 15 MR. FREESE: Object to the form of the
 16 question. It assumes such documents exists. We
 17 haven't been able to find any. So --
 18 THE WITNESS: It --
 19 BY MS. DOWNS:
 20 Q. Did you understand the question doctor?
 21 A. I did. I was just trying to say -- trying
 22 to understand -- I'm trying to formulate a simple
 23 answer.
 24 I assume that everything that they can get
 25 their hands on is what has been provided to you in

12 (Pages 42 to 45)